

Remarks

Continuing Data

Applicants have amended the continuing data in the related-application section (page 1, paragraph 1) to include the issued patent number for US application number 10/648,559.

Rejection: 35USC§102(e)

Claims 1-29 stand rejected by the Examiner under 35 USC§102(e) as being anticipated by US Publication Number 2004/0026341A1. Applicants respectfully traverse this rejection and ask for reconsideration of the rejection based on the comments below.

Applicants respectfully disagree that the 2004/0026341 reference discloses the memory as claimed by Applicant. Specifically, Applicants claim a memory that contains a stored centrifuge speed and stored transfer flow rates. As described on page 20 of Applicants' specification, the memory provides the microprocessor with programmed instructions. That is, the microprocessor is programmed to receive from the memory the speed and flow rate information.

This is reflected in Applicants' claim language as stated in claim 1:

"a memory for storing at least one centrifugation speed... at least one first transfer flow rate...and at least one second transfer flow rate...".

Further, claim 1 states:

"a control unit programmed: for receiving from the memory the at least one centrifugation speed and the information related to the at least one first transfer flow rate and the at least one second transfer flow rate".

Reference 2004/0026341, in contrast, states in paragraph [0115] that the controller may have programmed instructions from a ROM and/or RAM but no disclosure is provided as to the specifics of those instructions. The very next paragraph [0116] states the controller may change flow rates based on readings from the pressure sensor 70. This is further emphasized in

paragraph [0110]. Paragraph [0106] also refers to feedback control not programmed control. No mention is made of providing different flow rates based on program instructions. Although the ability to program a controller is known from the reference, the specific programmed memory as claimed by the Applicants is not disclosed.

Applicants thus seek reconsideration of the rejection of independent Claim 1 as being anticipated by reference 2004/0026341 under 35 U.S.C §102(e)

With respect to defendant Claims 7-11, it is noted that there is no disclosure in the reference of a control unit programmed to bring about the mixing described. Applicants request that the Examiner specifically point out the disclosure of such control unit should he continue with this anticipation rejection. Similarly, with respect to Claim 10, there is no disclosure in the reference of a control unit for causing the claimed valve closure before the decrease in centrifuge speed. Nor does the reference disclose the control unit of Claim 11 which identifies the second valve opening after speed increase.

With respect to Claim 16, the 2004/0026341 reference does not disclose a control unit programmed for air transfer. Also with respect to Claim 17, the reference does not refer to a suspension of platelets in plasma.

Claims 18-26 further relate to a memory for storing information concerning a third transfer flow rate of a third component into a third component bag. Such memory is not disclosed by the reference.

As for the other claims dependent from Claim 1, the rejection of such claims is deficient for the reasons set forth with respect to Claim 1.

In view of the arguments presented above, Applicants seek reconsideration of the rejection of Claims 1-26.

Claim 27 is a second independent claim that also claims a memory for storing at least one centrifuge speed and at least two transfer flow rates as well as a control unit for receiving the stored information from memory. As noted with respect to Claim 1, reference 2004/0026341 does not disclose Applicants' claimed memory. Although the reference refers to

a ROM and/or RAM, there is no disclosure of the specific programmed instructions. The reference does describe a feed back loop for pump control, but not a control unit having the programmed instructions of Applicants' claimed memory.

As for dependent Claims 28 and 29, it is Applicants' position that the anticipation rejection based on 35 U.S.C. §102(e) is deficient for the reasons set forth with respect to Claim 27 set forth above.

Applicants request a 1 month extension with the filing of this response. It is believed a fee is required for this filing. Please charge the appropriate amount to Deposit Account 032316.

If there are any questions, or if prosecution can be expedited in any manner by a telephone conference, the Examiner is urged to call Applicants representative at the below telephone number.

Respectfully submitted,



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June 12, 2007
Date